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Office of Assisted Living Licensing

Hello From The Program Manager

Alan Oppenheim, Program Manager

Office of Assisted Living Licensing

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Welcome to the Office of Assisted Living Licensing's second newsletter! The newsletter is intended to provide information to our providers and interested community members. As always, we are interested in providing information that is important to you! If there is a particular area you think would be of interest to include in upcoming newsletters, please send your request to "Newsletter Editor" Office of Assisted Living Licensing 150 N. 18th Avenue, Suite 420, Phoenix, AZ 85007.

I am sure you noticed our newsletters new and improved format. This is due to Joy Johnson, State Licensing Surveyor, taking on the Editorship! As you can see, Joy has really improved the newsletter's look, content and readability. We thank Joy for her hard work!

By now, you should know that our Office has grown by 8 new Surveyor positions and 1 new Support Staff position. In the middle of 2006, the Arizona legislature, based on our ever continued growth in licensed facilities, allocated these new positions. We are certainly grateful for this, as it will help us to become more timely with renewal and initial surveys.

For these positions, we were able to recruit some excellent new Surveyors. With this new influx of staff our Office created and implemented a new training program "Surveyor School". The school allowed a mix of classroom intensive training (lead by 2 experienced Surveyors and included modular training by other experienced Surveyors, Team Leaders and the Program Manager) coupled with intensive "field" work where each trainee was precepted by an experienced Surveyor. This process took some extra time, but the results will be worth it!

As a reminder, if you are interested in the status of the Assisted Living Rules Process, you can go to the following web address and check the latest progress.

www.azdhs.gov/diro/admin_rules/index.htm

We hope you will find this newsletter to be helpful and interesting. Again, if you have any suggestions, for upcoming newsletters or comments on this issue, please let our Editor or myself know.

Sincerely,
Alan Oppenheim, Program Manager

Attention! Assisted Living Facility Managers



The State of Arizona Board of Examiners of Nursing Care Administrators and Assisted Living Facility Managers mission is to “protect the health, welfare, and safety of Arizona citizens who seek and use the services of nursing care institution administrators and assisted living facility managers.”

Since last March, the Board has been involved with rules changes. Some of the main changes that affect managers are:

The manager licensing examination's passing score is now 75%

Standards of conduct are now the same as nursing care administrators

Continuing education increased to 24 hours for certificate renewal

Approved continuing education courses are listed on the Board's website.

www.nciabd.state.az.us

Specific questions regarding these changes should be directed to the Board by calling (602) 364-2273



Proposition 201 Smoke Free Arizona

Arizona's smoke free law goes into effect on May 1, 2007. The act will require bars, restaurants and most businesses including health care institutions (such as assisted living facilities) to be smoke free.

To help residents and business owners understand the Smoke-free Arizona Act (Proposition 201), ADHS launched an information line and web site. The free information line at 1-877-297-8677 is available 24 hours, seven days a week.

The web site, www.smokefreearizona.org provides comprehensive information on the smoke-free Arizona Act. This site explains Prop 201 and what Arizona businesses will need to do to comply with the law when it goes into effect on May 1, 2007. It also lays out the procedure for reporting any employer that is in violation.

The phone line and web site are designed to help business owners and the public Understand and prepare to implement the law.

What about Local Ordinance?

According to the website, *local units of government may enact ordinances that are more restrictive than the Smoke-Free Arizona Act. Local ordinances, if more stringent, will remain in effect after the implementation of the Smoke-Free Arizona Act.*

Top Ten Most Cited Deficiencies 1/1/06 – 12/31/06

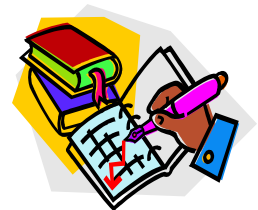
1. R9-10-723.E. A licensee shall ensure that medication requirements in R9-10-722 (D) are met for a resident receiving personal care services or directed care services.
2. ARS 36-406.1(d) Powers and duties of the Department (Influenza and Pneumonia Vaccinations)
3. R9-10-713.B.3.a. A licensee shall ensure that: Medication stored by the licensee is stored or controlled as follows: Medication is stored in a locked container, cabinet, or area that is inaccessible to residents.
4. R9-10-711.A.6.a. A licensee shall ensure that a resident has a written service plan that: Is signed and dated by: the resident or the representative.
5. R9-10-717.A.3. A licensee shall ensure that: An employee fire drill is conducted at least once every 3 months on each shift.
6. R9-10-706.E.4. A licensee shall ensure that a file is maintained on the premises for each employee containing the following: For each employee hired after the effective date of this Article, at least 2 personal and 2 professional or work-related references, if the employee has previous work experience, and documentation of the licensee's good faith effort to contact each reference.
7. R9-10-703.B.9. A licensee shall ensure that a manager of an assisted living facility: Ensures compliance with fingerprinting requirements contained in ARS 36-411.
8. R9-10-716.A.2. A licensee shall ensure that an assisted living facility: Is hazard-free.
9. R9-10-706.A.1. A licensee shall ensure that: At the starting date of employment or service and every 12 months from the starting date of employment or service, each support staff and volunteer who interacts with a resident on a regular basis and each employee submits evidence of being free from pulmonary tuberculosis.
10. R9-10-703.B.3. A licensee shall ensure that a manager of an assisted living facility: Ensures that each resident and each individual living in the facility provides documentation of freedom from pulmonary tuberculosis at least once every 12 months as required in R9-10-706.A.1.

For more information on specific rule requirements, please visit our website or call our office to request a hard copy be mailed to you.

Leases and Renewal Applications

For any Licensee that has a lease with any owner of the property which holds a licensed assisted living facility, and there is any change to the lease, an updated (fully executed) copy of that new or amended lease must immediately be sent to the Department.

Additionally, with each renewal application, R9-10-107A.2.If the health care institution is located in a leased facility, a copy of the lease showing the rights and responsibilities of the parties and exclusive rights of possession of the leased facility.



New Information Available on Website: Look For a Postcard Being Mailed To You



The Department of Health Services, Division of Licensing Services, has been developing an Internet website to provide the public with access to Statements of Deficiencies (SODs) resulting from inspections and complaint investigations. The website has been tested internally and will soon be ready for providers to examine.

The postcard will provide information on how you can view the website, before it becomes available to the general public. Look for this postcard that will give details on how to locate the website.

Influenza and Pneumonia Vaccinations A.R.S. 36-406.1.d.



Laws passed by the Arizona Legislature (Laws 2000, Chapter 101, HB 2013) require that all residents in an assisted living facility are offered influenza and pneumonia vaccinations.

The Department requires that a resident's record contains documentation of vaccination administration that includes: the date the vaccine was offered or administered, the type of vaccines administered, the amount of vaccines administered, and the signature of the individual administering the vaccines.

The Department does not require documentation of vaccination administration if: the resident or the representative refuses the vaccinations and signs and dates documentation that the resident has received information on the risks and benefits; the primary care provider provides documentation that the vaccination is medically contraindicated; or the resident or the representative provides documentation that the resident received the pneumonia vaccination within the last 5 years or the current recommendation from the Center for Disease Control and Prevention.

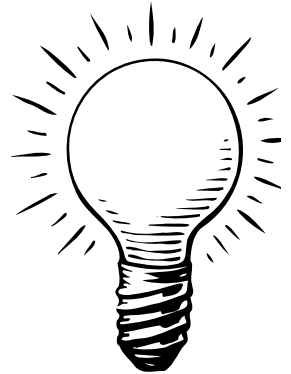
The Center for Disease Control and Prevention's website is:

www.cdc.gov

Vaccines & Immunizations: www.cdc.gov/node.do/id/0900f3ec8000e2f3

Did you know?

The Office of Assisted Living Licensing provides orientation (at no charge) to new and current providers on how the process works to open an assisted living facility. During this informative session, you will also receive an overview of statutes and rules for licensure compliance. Provider orientation is offered at 150 North 18th Avenue, 4th Floor every 2nd Wednesday of the month from 8:00 a.m. – 12:00 noon. No registration is required... For Tucson Provider Orientation: please call (520) 628-6965 for dates and location...



Thinking about purchasing an existing facility? If you have questions and/or concerns, you may review public records at the office from 8:00 a.m. – 5:00 p.m. Monday through Friday (if at all possible, please call ahead so that we can prepare the documents and have them available to you...)

Providers, we appreciate you informing us of your vacations, but please remember that a manager's designee is required and your survey may be conducted during your absence...

*Our **Surveyor of the Day** is available to answer your questions, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Phoenix (602) 364-2639 and Tucson (520) 628-6965...*

PLEASE, before making any modifications (including garage conversions) to your facility, contact the local authority in your area that issues building permits...find out what requirements are needed before beginning any construction...

*Providers, please be aware that if a deficient practice is discovered during survey; the surveyor **must** cite the deficiency...*

Local areas have their own codes and ordinances that assisted living homes must following addition to the Assisted Living Rules.

For example: The City of Phoenix has implemented a 3 year requirement for assisted living homes to have a fire inspection. The City of Phoenix will look for the home to have this within 3 years of the home's last fire inspection (the City of Phoenix used to inspect every year).

The City of Phoenix will be charging for the inspection.

Also, the City of Phoenix will allow a keyed dead bolt lock in a home licensed to provide directed care, as long as the staff has a key on their person...

As always, consult your local authority for more information...

A list of approved training programs by city can be found by visiting our website at:

www.azdhs.gov

(Licensing Services/Assisted Living)...

If you have questions related to CLIA, please call (602) 364-0726...

Currently the number of licensed assisted living facilities in the State of Arizona is 1,926...

ADHS Office of Assisted Living Licensing

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We're on the Web!

See us at:

www.azdhs.gov/als/hcb

You Really Need To Know That...

R9-10-703.B. A licensee shall ensure that a manager of an assisted living facility:

R9-10-703.B.3. Ensures that each resident and each individual living in the facility provides documentation of freedom from pulmonary tuberculosis at least once every 12 months as required in R9-10-706(A)(1);

A recent interpretation of this rule clarifies that **EACH INDIVIDUAL LIVING IN THE FACILITY** must comply with this rule. This would include any independent person, family members, boarders etc. (and of course resident(s)) that live in your licensed facility. These records **MUST** be made available to the Surveyor at the time of your survey. As of 8/1/07, any facility found non compliant with this rule will be cited.

This requirement is in addition to the rules that apply to employees, support staff and volunteers for freedom from pulmonary tuberculosis

§36-425.E states, A health care institution shall immediately notify the Department in writing when there is a change of the chief administrative officer specified in §36-422, subsection A, paragraph 7. In the case of Assisted Living, the chief administrative officer is the certified manager. Therefore, as of 8/1/07, any facility found non compliant with this statute will be cited.

Also: Remember To Get Your Renewal Applications In On Time

§36-422.C states in part: "An application for licensure or relicensure shall be filed at least 60 but no more than 120 days before the anticipated operation or expiration date of the current license."

If you allowed your license to expire, and do not send in an application, the Department would consider your facility to no longer be in operation, and you should have complied with R-9-10-703A.5.c. which states in part: "A license shall: Notify the Department, in writing, of the following: A termination of operation no later than 30 days before the termination". In this case, you should send the Department a letter explaining you are no longer in operation and enclose your license.

If you allowed your license to expire and you sent in an application after the expiration date you would be subject to being cited for being in violation of §36-407.A., having enforcement action taken against you (which could include civil monetary penalties of up to \$500.00 per day the violation occurred), **AND** you would have to reapply as a "new" facility (thereby having to once again provide the Department with zoning clearance, a fire inspection and proof of complying with all local codes etc.). In either case, if you continued to provide health related services, you would be in violation of §36-407.A, Prohibited acts, which states in part: "A person shall not establish, conduct or maintain in this state a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the Department."

